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Higher H-1B and L-1 Fees Will Not Affect Most Employers

Last week, Congress passed and President Obama signed new legislation to raise L-1 filing fees by \$2,250 and H-1B fees by \$2,000. Most employers, however, will not be subject to the higher immigration fees legislated by the Emergency Supplemental Appropriation for Border Security Act (H.6080).

Recent press coverage regarding these fee increases has been widespread, but it often has failed to explain that a limited number of employers will be subject to the higher fees. For most employers the process of sponsoring a foreign national for H-1B or L-1 status is unchanged.

The fee increase only applies to employers with 50 or more employees ***if more than 50% of their employees are working in H-1B or L-1 status***. The new fees are intended to impact contracting, consulting, and personnel outsourcing firms with workforces that are heavily dependent on H-1B and L-1 employees.

By way of background, employers petition for H-1B status on behalf of foreign nationals employed in professional positions that require a specialized bachelor's degree. The L-1 status is generally used by multinational corporations when transferring existing employees from affiliated entities abroad to the U.S. to fill specialized knowledge or executive/managerial positions.

We hope that this helps clarify what you may be reading in the press, however, if you have further questions regarding the Emergency Supplemental Appropriation for Border Security Act you may contact one of the Thompson Coburn attorneys listed below:

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